

**THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

<b>MICHAEL AND SHELLIE GILMOR,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
v.	)	<b>Case No. 4:10-cv-00189-ODS</b>
	)	
<b>PREFERRED CREDIT CORPORATION,</b>	)	
<i>et al.,</i>	)	
	)	
<b>Defendants.</b>	)	

**PLAINTIFFS AND MOVING DEFENDANT'S JOINT MOTION FOR STAY**

Plaintiffs and Defendant EMC Mortgage LLC, formerly known as EMC Mortgage Corporation ("Moving Defendant"), jointly move the Court to stay all proceedings in connection with Plaintiffs' claims against Moving Defendant, including discovery. In support of this motion, Plaintiffs and Moving Defendant state as follows:

1. The above captioned case is a class action lawsuit involving claims by Missouri homeowners for violations of Missouri's Second Mortgage Loans Act §§ 408.231 RSMo, *et seq.*
2. Pursuant to the current case schedule, the discovery deadline is June 15, 2012 and trial is set for November 26, 2012
3. Plaintiffs and Moving Defendant have reached an agreement that, if approved, would settle and resolve the claims of those class members who obtained loans that were serviced by Moving Defendant. Plaintiffs and Moving Defendant need time to memorialize the settlement in writing and to implement the process through which the settlement can be finalized and submitted to the Court for approval.

4. The discovery deadline is June 15, 2012. If the case were not settled, Moving Defendant—at substantial expense--would be required to depose multiple class representatives who allege claims against Moving Defendant, participate in the depositions of other class representatives and witnesses, prepare and produce corporate representative(s) of Moving Defendant for deposition, and respond to outstanding written discovery.

5. In light of the settlement, Plaintiffs and Moving Defendant have agreed to spare each other the foregoing expense and to halt discovery in this matter. The continued prosecution of the claims against Moving Defendant is unnecessary and will detract from the settling parties' ability to finalize settlement. Accordingly, Plaintiffs and Moving Defendant respectfully request this Court to grant a stay with respect to all proceedings in connection with Plaintiffs' claims against Moving Defendant.

6. No other claims, motions, discovery or other case activity should be stayed against any non-moving Defendant.

WHEREFORE, Plaintiffs and Moving Defendant respectfully request that the Court enter its Order staying all proceedings in connection with Plaintiffs' claims against EMC Mortgage LLC, formerly known as EMC Mortgage Corporation as stated above.

Respectfully submitted,

/s/ Daniel L. McClain

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*Attorneys for Plaintiffs and Class Counsel*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 31<sup>st</sup> day of May, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, with notice of case activity to be generated and sent electronically by the Clerk of said court (with a copy to be mailed to any individuals who do not receive electronic notice from the Clerk) to all counsel of record.

/s/ Daniel L. McClain

*An Attorney for Defendant*